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Attorney for Defendant Kuanyi Chen

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

16 Defendant Kuanyi Chen, by and through his court-appointed counsel, hereby objects to
17 proceeding with the sentencing in the above-captioned case presently scheduled for February 13,
18 2013 at 9:30 a.m.

19 The Probation Officer in this case filed a draft Presentence Investigation Report (“PSR”) on
20 January 29, 2013 — 15 days prior to the scheduled sentencing in this case. *See* ECF Doc. # 36.

21 Fed. R. Crim. P. 32(e)(2) provides that the probation officer must give the presentence report
22 to the defendant, the defendant's attorney and the attorney for the government at least 35 days prior
23 to sentencing. Defendant has not waived this minimum period.

24 Moreover, Fed. R. Crim. P. 32(f) allows the parties 14 days thereafter to provide written
25 objections to the draft PSR which objections could lead to further investigation by the probation

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1 officer and a revised PSR, but which unresolved objections, if any, must be included in an addendum
2 to a final PSR in any case. Fed. R. Crim. P. 32(g). The final PSR with the addendum must be
3 provided to counsel at least 7 days prior to sentencing. *Id.*

4 Here, not only is the draft PSR late under the rules, but there is simply no time between now
5 and the presently scheduled sentencing date to file objections to the PSR, to obtain the requisite
6 consideration of the objections from the U.S. Probation Office, to obtain a final PSR with the
7 required addendum and to file a sentencing memorandum that addresses factual and legal
8 inaccuracies in the PSR.

9 For the foregoing reasons, Defendant objects to proceeding with sentencing as presently
10 scheduled.

11 Defendant would note that he is currently detained and has been detained in this case since
12 his initial arrest on August 25, 2012 — 161 days from the date of this Objection. The undersigned
13 is concerned that an delay in Defendant's sentencing may impact the sentencing guidelines range
14 applicable to Defendant in this case should Defendant remain incarcerated pending sentencing.

15 Furthermore, the undersigned counsel for Defendant should inform the court and the parties
16 that he will be off-island on a previously scheduled trip from March 21, 2013 through April 23, 2013.
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18 DATED this 1st day of February, 2013.

19 /s/ Mark B. Hanson

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28 Attorney for Defendant Kuanyi Chen

1 CERTIFICATE OF SERVICE

2 I certify that the following were served with a copy of the foregoing via the Court's
3 electronic case filing system:

4 Rami S. Badawy, AUSA
5 UNITED STATES OFFICE OF THE ATTORNEY GENERAL
6 District of the Northern Mariana Islands
7 P.O. Box 500377
Saipan, Mariana Islands 96950
E-mail: Rami.Badawy@usdoj.gov

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10 DATED: February 1, 2013 /s/ Mark B. Hanson

11 MARK B. HANSON

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